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TO:	MAIL STOP AF c/o Examiner Fenn C. Mathew	FROM:	DAVID J. KENEALY Cermak & Kenealy LLP
FAX:	703.872.9306	REF. NO:	MA3005-0031
VOICE:	703 305 2846	PAGES	(incl. this sheet)
App. No.:	09/870,672	DATE:	October 14, 2004

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- 1) This facsimile Certification cover sheet (1 pg)
- 2) After Final Amendment Transmittal (3 pgs.)
- 3) After Final Amendment (15 pgs.)



David J. Kenealy
Registration Number 40,411

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Filing Under 37 C.F.R. §1.116

Expedited Handling

Procedure Requested

Patent

Attorney's Docket No. MA3005-0031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AF
)	
Ryota SUGIMOTO)	Group Art Unit: 3764
)	
Application No.: 09/870,672)	Examiner: F. Mathew
)	
Filed: June 1, 2001)	Confirmation No.: 8651
)	
For: IMPLANTABLE TUBULAR DEVICE)	
)	

Commissioner for Patents
MAIL STOP AF
Alexandria, Virginia 22313

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment After Final responding to the Office Action dated July 14, 2004.
2. Additional papers enclosed:
 - ☐ Notice of Appeal
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ references included
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- [X] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

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Application No.: 09/870,672
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- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 430.00	\$215.00
<input type="checkbox"/> three months	\$ 980.00	\$490.00
<input type="checkbox"/> four months	\$1,530.00	\$765.00

Extension of time fee due with this request: \$ 0.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for __ month has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

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5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	23	Minus	35	0	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	3	Minus	4	0	x \$88 each=	+ \$
[] First presentation of Multiple dependent claim(s)					\$300.00	+ \$
SUB-TOTAL =						\$
Reduction by 1/2 for filing by a small entity						- \$
TOTAL FEE =						\$ 0

6. Fee Payment

[X] No fee is to be paid at this time.

[] Check in the amount of _____ for a _____. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

Respectfully submitted,
CERMAK & KENEALY LLP

By: 

David J. Kenealy
Reg. No. 40,411

Dated: October 14, 2004

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AMENDMENT AFTER FINAL UNDER 37 C.F.R. §1.116

Commissioner for Patents
MAIL STOP AF
Alexandria, Virginia 22313

Sir:

In response to the Final Official Action dated July 14, 2004, the response period extending through October 14, 2004, Applicant requests consideration and entry of the following amendments and remarks.

Amendments to the Claims are reflected in the claim summary which begins on page two of this paper.

Remarks begin on page 9 of this paper.